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## Constitution, Draft, 1981

University of Dayton

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## PREAMBLE

Article VII, Section 2 of the Constitution of the University of Dayton provides for the delegation, from the Board of Trustees to the University Faculty, of the right to initiate and formulate the educational and academic policies of the University in areas of its competence. By the same authority, the University Faculty is vested with the right to delegate any or all of its authority and responsibility to an elected body representative of the University Faculty, on the condition that such delegation is effected through a document adopted by a vote of the University Faculty and approved by the President of the University and the Board of Trustees.

The University Faculty, by virtue of its promulgation and ratification of this Constitution of the Academic Senate of the University of Dayton, accepts this delegation of authority from the Board of Trustees. Through this Constitution, the University Faculty expresses its commitment to the ideal of active and meaningful participation of all elements of the University academic community in the process of initiating and formulating the educational and academic policies of the University.

The University Faculty recognizes that final authority to approve or reject educational and academic policies for the University remains with the President and the Board of Trustees. The University Faculty further recognizes that the University's commitment to high ethical and professional standards and to the promotion of critical inquiry and increased knowledge can be maintained only through responsible interaction and mutual respect. It is in that spirit that the University Faculty expresses its commitment to work closely with the University Administration at all stages in the initiation and formulation of educational and academic policy.

ARTICLE I.      Name

The representative body exercising the authority and responsibility of the University Faculty under the Constitution of the University of Dayton shall be known as the Academic Senate.

## ARTICLE II. Authority and Responsibility

A. By its approval of this document the University Faculty delegates to the Academic Senate described herein its authority and responsibility under the University Constitution (Article VII, Section 2) in all matters except policies pertaining to academic freedom and tenure.

In the absence of policy determination of the Academic Senate, all discretionary powers in academic matters shall remain with the Provost, Faculty of the University, Deans, School and College Faculties, Departmental and Program Chairpersons and Departmental and Program Faculties.

Nothing in this document should be construed as infringing upon the administrative responsibilities of current University Committees, Councils, and Boards.

In the event of a conflict or dispute over the provisions of the Constitution of the Academic Senate and the Basic Governing Documents of the University of Dayton, (defined as the Articles of Incorporation, as amended, the By-Laws of the Corporation, the Constitution of the University of Dayton, the By-Laws of the Board of Trustees, the Regulations on Academic Freedom and Tenure), the provisions of the basic Governing Documents of the University of Dayton shall prevail.

The President shall resolve any disagreements involving the interpretation of the Constitution of the Academic Senate.

In its role as a Court of Last Resort, the Board of Trustees may hear an appeal requested by the Academic Senate of a decision of the President. The Academic Senate will present its position in writing to the President who will transmit it, together with a written statement of his position, to the Academic Policies and Programs Committee of the Board for review and presentation to the Board of Trustees.

B. The Academic Senate shall exercise Legislative Authority, Legislative Concurrence, and Consultation as defined in this Article. Pursuant to Article VII, Section 2(c) of the University of Dayton Constitution, all decisions and recommendations of the Academic Senate shall be submitted to the President for his approval and, when so determined by him, to the University Board of Trustees for review and final approval.

### 1. Legislative Authority

Legislative Authority is defined as the right to initiate and formulate academic and educational policies which have significant University-wide impact as determined by the Academic Senate including amendment, revision, or rescission of existing policies. In considering which policies have significant



University-wide impact, the Academic Senate shall analyze how these policies affect items such as program quality, content, economic feasibility, and consonance with the University mission. To be considered University-wide the policy must apply to more than one educational unit. Legislative Authority shall not extend to the implementation or administration of such policies. Each legislative act shall contain a statement articulating its academic or educational purpose and justification. Legislative Authority shall extend, but not be limited, to policies covering the following topics:

a. Program Academic Affairs

Degree requirements, standards for development of curriculum, program evaluations, curricular options.

b. University Academic Affairs

General curriculum degree requirements and honorary degrees.

c. Faculty Academic Affairs

Grievance process, standards of evaluation, sabbaticals, professional development, research, and promotions. While the Academic Senate has the responsibility for discussion of all policies pertaining to academic freedom and tenure, University Faculty approval of policies on academic freedom and tenure must be secured by a direct vote of the University Faculty.

d. Student Academic Affairs

Grading, attendance, examinations, cheating, plagiarism, grievances.

2. Legislative Concurrence

While retaining the right to initiate and formulate all the educational and academic policies of the University in areas of its competence, the Academic Senate recognizes that various University Committees, Councils, and Boards are already engaged in an advisory capacity in such work. Therefore, all Committees, Councils, and Boards reporting to the Provost, including, but not limited to, the Graduate Council, Library Committee, and Research Council will recommend educational policies within their respective purviews. The Academic Senate will ordinarily act upon such policies by Legislative Concurrence. Legislative Concurrence is defined as the authority to review, to approve or disapprove, or to make recommendations concerning educational policies which are formulated or initiated by these Committees, Councils, and Boards. The Academic Senate, however, still retains Legislative Authority in the above areas if it wishes to exercise that authority.

In addition, all policies concerning University Faculty participation in University admissions, size and composition of the student body, scholarships, and the selection, evaluation, and retention of Program Directors, Chairpersons, and Deans will be submitted to the Academic Senate for its concurrence.

### 3. Consultation

Consultation is defined as an exchange of information with the Academic Senate for the purpose of permitting the Academic Senate to propose or to comment upon policies which are other than academic and educational policies and which have a significant impact upon the academic and educational development of the University, including but not limited to the following:

- a. University budget priorities (not budgets) and financial concerns such as financial crises and cutbacks.
- b. University admissions.
- c. Academic calendar.
- d. Size and composition of the student body.
- e. Faculty compensation and other conditions of service.
- f. Composition of University committees, councils, and boards.
- g. Selection, review and retention of the President and Vice Presidents.
- h. Selection, evaluation, and retention of Program Directors, Chairpersons, and Academic Deans.
- i. Scholarships and financial aid.
- j. Extracurricular academic matters, e.g., concerts, lectures, etc.
- k. Educational support programs.

The President accepts the responsibility to consult the Academic Senate on policies which he judges to have a significant impact upon the academic and educational development of the University. The Academic Senate also has a right to initiate consultation with any University-wide committee, council, or board.

### 3. Consultation

Consultation is defined as the right to be consulted by and to advise University-wide Committees, Councils, and Boards concerning proposed and existing educational policies within their respective jurisdictions. Consultation shall extend to policies which the Academic Senate shall determine have a significant impact on the academic and educational development of the University, including, but not limited to, the following:

- a. University budget priorities (not budgets) and financial concerns such as financial crises and cutbacks.
- b. University admissions.
- c. Academic calendar.
- d. Size and composition of the student body.
- e. Faculty compensation and other conditions of service.
- f. Composition of University Committees, Councils, and Boards.
- g. Selection, review and retention of the President and Vice Presidents.
- h. Selection, evaluation, and retention of Program Directors, Chairpersons, and Academic Deans.
- i. Scholarship and financial aid.
- j. Extracurricular academic matters, e.g., concerts, lectures, etc.
- k. Educational support programs.

C. The Academic Senate shall have the authority to effectuate the powers delegated to it under Article II,A of this Constitution.



ARTICLE III. Promulgation

A. Actions of the Academic Senate when acting in matters of Legislative Authority shall be recorded by the Secretary and communicated by the Provost to the entire University Faculty and other appropriate parties.

B. After notification of approval of any policy action by the Academic Senate, the University Faculty shall have eleven (11) class days in which to request a meeting of the entire University Faculty to address the issue. Such a meeting must be called by the Provost upon receipt of a written petition which bears the signatures of at least twenty percent (20%) of the University Faculty. A vote of a majority of at least a majority of the entire University Faculty may nullify any action of the Academic Senate.

C. The Provost will take further action on a policy in accordance with the following:

1. If no petition has been received within the eleven (11) class day period or if a special meeting of the University Faculty failed to nullify the policy, the Provost shall immediately forward the policy document to the President for his review and action.
2. If the University Faculty voted to nullify an action taken by the Academic Senate, the Provost shall return it to the Academic Senate for reconsideration.

D. An academic policy of the Academic Senate shall become effective when approved pursuant to Article IIB of this Constitution. Such policy shall be promulgated as official University policy by the Provost.

E. In the event that the President disagrees with all or part of a policy formulated by the Academic Senate, the President shall inform the Academic Senate and arrange for prompt consultation.

Should such consultation fail to resolve a disagreement between the President and the Academic Senate on a policy of the Academic Senate, the decision of the President shall prevail.

In its role as a Court of Last Resort, the Board of Trustees may hear an appeal requested by the Academic Senate of a decision of the President. The Academic Senate will present its position in writing to the President who will transmit it, together with a written statement of his position, to the Academic Policies and Programs Committee of the Board for review and presentation to the Board of Trustees.



ARTICLE IV. Composition of the Academic Senate

A. Membership

The Academic Senate shall consist of thirty-four (34) members.

All members shall be voting members. These members shall be determined as follows:

1. Faculty. There shall be twenty-one (21) members drawn from the University Faculty according to the following formula:

College of Arts and Sciences - ten

Humanities - five

Natural Sciences - three

Social Sciences - two

School of Business Administration - four

School of Education - two

School of Engineering - two

Engineering Technology - one

School of Law - one

Librarians (University Library, Marian Library,  
Law Library) - one

2. Deans

College of Arts and Sciences

School of Business Administration

School of Education

School of Engineering

School of Law

Graduate Studies (Associate Provost)

3. Provost. The Provost shall be a voting member of the Academic Senate.

4. Students. There shall be six student representatives, one each from Humanities, Sciences (Natural and Social), Business, Education, Engineering, and Graduate Studies (including Law).

B. Election of University Faculty Representatives

1. Each of the following units will elect from among their own members the indicated number of representatives

College of Arts and Sciences

Humanities	five
Natural Sciences	three
Social Sciences	two
School of Business Administration	four
School of Education	two
School of Engineering	two
Engineering Technology	one
School of Law	one
Librarians (University Library, Marian Library, Law Library)	one

2. Each Academic Affairs Committee shall select one of the elected Senate representatives from its unit to be an ex-officio member of its Academic Affairs Committee.

3. Faculty preliminary and final elections shall be conducted in separate stages in each academic area by the University Elections Committee from the current University Faculty Roster provided by the Provost. In conducting these elections the University Elections Committee shall be guided by the propositions which follow:

- a. The number of nominees presented on the final election ballot shall be approximately twice the number of members to be elected, but each nominee listed shall have accepted the nomination.
- b. The tabulations of all election results showing the number of votes received by each person shall be forwarded to the Provost, who will announce the results and retain the records for the later use of the Academic Senate.

4. Elections shall take place in the spring of the year with all terms of office beginning in the fall term.

5. With the exception of the initial election, the term of office for all University Faculty members shall be two years. For representatives elected

in the initial election, the term of office shall be determined on the basis of votes received. To effect a staggered term, individuals in the following units receiving the lowest number of votes shall serve a one-year term. The number of individuals serving an initial one-year term shall be:

College of Arts and Sciences	
Humanities	two
Natural Sciences	two
Social Sciences	one
School of Business Administration	two
School of Education	one
School of Engineering	one

All other elected representatives shall serve two years.

6. Nominees not elected to the Academic Senate shall be listed in the order of votes received, beginning with the highest, and shall, in that order, replace any individual who cannot complete his or her term of office.

C. Election of Undergraduate Student Representatives

1. One undergraduate student representative shall be elected from each of the following areas: Arts, Sciences, Business, Education, and Engineering.
2. Elections will ordinarily be held in the spring of each year.
3. Term of office shall be one year.
4. Procedures for the elections shall be as follows:
  - a. Any undergraduate student in good standing may be nominated. Students nominated must be making satisfactory progress in a degree program as certified by their Dean.
  - b. It shall be the responsibility of the respective Academic Affairs Committees to assure that there are at least two student nominees.
  - c. Each student nominee shall submit to the Provost a petition signed by a minimum of twenty-five students and five University Faculty members from his/her respective School/College.
  - d. Students electing the candidates must indicate in which School of College they are enrolled and vote for only one representative from this area.



5. The Academic Senate will supervise the elections.

6. Nominees not elected to the Academic Senate shall be listed in the order of the votes received, beginning with the highest, and shall, in that order, replace any student who cannot complete his/her term of office.

D. Election of Graduate Student Representative

1. One graduate student representative shall be elected from the combined enrollment of the graduate areas of the University, including the School of Law.

2. The term of office shall be one year.

3. The procedures for election shall be as determined by the Graduate Council.

ARTICLE V. Meetings of the Academic Senate

The Academic Senate shall convene under either Regular or Special circumstances as described hereinafter.

A. Regular Meetings

1. Regular meetings shall be called by the President of the Academic Senate and shall be held at least once in each of the first and second terms.

2. The Agenda for Regular Meetings shall be established exclusively by the Executive Committee of the Academic Senate, except that an agenda item requested by petition of nine or more members of the Academic Senate or by twenty members of the University Faculty shall be included in the Agenda of the next Regular Meeting following its receipt. The Agenda must be submitted to members of the Academic Senate one week prior to the date of any Regular Meeting and communicated to the University through the appropriate campus media.

3. Regular Meetings of the Academic Senate shall be chaired by the President of the Academic Senate. Attendance by more than half of the Academic Senate membership shall constitute a quorum for conducting business at Regular Meetings.

4. The Academic Senate shall conduct its meetings by some orderly process of its own devising.

B. Special Meetings

1. Special Meetings of the Academic Senate shall be called by the President of the Academic Senate in response to any one of the following actions:

- a. A decision of the Executive Committee.
- b. A written request from one-third of the members of the Academic Senate.
- c. A written request from one-fifth of the University Faculty.
- d. A written request from the President of the University.
- e. A written request from one-fifth of the full-time student body.

2 Except for emergencies, as determined by a majority vote of the Executive Committee, the Agenda for a Special Meeting shall be submitted to members

of the Academic Senate one week prior to convening the Academic Senate and shall be communicated to the University through appropriate campus media. The Agenda must be approved by a majority vote of the Academic Senate at the outset of any Special Meeting.

3. Attendance by more than half of the total membership shall constitute a quorum for conducting business at Special Meetings.

4. The procedures for conducting business at Special Meetings of the Academic Senate will be the same as at Regular Meetings.



ARTICLE VI. Principles Governing the Operation of the Academic Senate

A. Communication/Liaison with University College and Schools

The Academic Senate shall regularly communicate a report of its activities to the Academic Affairs Committees of the College and Schools of the University and to the University Libraries. To this end, it shall keep regular minutes of its business and distribute such minutes to the members of the Academic Affairs Committees of the various College, Schools, Libraries, and the University Faculty on a regular basis. It shall also publicize its activities through the campus media.

B. Hearings and Plenary Sessions

All meetings of the Academic Senate and those of all of its committees shall, subject to reasonable rules and regulations, be open to all members of the University community, including University Faculty, staff, administrators, and students. Meetings shall be by executive sessions upon a vote of two-thirds of the Academic Senate representatives in attendance.

C. Officers of the Academic Senate

1. The officers of the Academic Senate shall be a President, a Vice President, and a Secretary.
2. The Provost shall serve as President.
3. The Vice President and the Secretary of the Academic Senate shall be elected from the elected members of the University Faculty. Elections shall be held at the initial meeting of each new Academic Senate.

D. Committees of the Academic Senate

1. Creation of Committees

The Academic Senate shall create committees, both standing and otherwise, for the conduct of its business, pursuant to rules and regulations which it shall promulgate. Such committees shall be delegated responsibility for the development of policies in various areas as deemed appropriate.

2. Composition of Committees

Membership on committees shall be determined by the Academic Senate in accordance with the following principles: competence, expertise, and balance in representation. At least one member of each committee shall be a member of the Academic Senate.

E. Executive Committee

1. Composition of the Executive Committee

The Academic Senate shall have an Executive Committee, which shall be constituted as follows:

- a. One University Faculty representative each from Business, Education, Engineering, Engineering Technology, Humanities, Law, Natural Sciences, Social Sciences, and Libraries.
- b. The Provost.
- c. One Dean
- d. Two students.
- e. The Vice President and Secretary of the Academic Senate shall represent their respective constituencies as delineated in paragraph E,1,a preceding.
- f. The officers of the Academic Senate shall be the officers of the Executive Committee.

2. Election of the Executive Committee

After the election of officers, the remainder of the Executive Committee shall be elected by the entire Academic Senate at the initial meeting of the new Academic Senate.

3. Meetings of the Executive Committee

- a. Meetings of the Executive Committee shall be held upon the call of the President of the Academic Senate or at the request of a majority of the Executive Committee.
- b. Attendance by more than half of its membership shall constitute a quorum for conducting business at meetings of the Executive Committee.
- c. The Executive Committee shall conduct its meetings by some orderly process of its own devising.

#### 4. Powers of the Executive Committee

##### a. External Powers and Responsibilities

- (i) When the Academic Senate is adjourned or otherwise not in session the Executive Committee shall exercise the Academic Senate's powers of Legislative Concurrence and Consultation, but not of Legislative Authority.

The Executive Committee may, as it deems appropriate, convene the entire Academic Senate for the purpose of Legislative Concurrence or Consultation.

- (ii) The Executive Committee shall circulate minutes to all members of the Academic Senate on a regular basis.
- (iii) When the Executive Committee acts for the entire Academic Senate, its action shall be recorded by the Secretary and communicated to the entire University Faculty and other appropriate parties by the Provost.
- (iv) Any action of the Executive Committee can be reviewed and rescinded by the Academic Senate.

##### b. Internal Powers and Responsibilities

The Executive Committee shall exercise the following functions with regard to the operation of the Academic Senate.

- (i) Set the Agenda for meetings.
- (ii) Appoint members of all Academic Senate committees.
- (iii) Facilitate the deliberations and actions of the Academic Senate, including coordination of activities among its committees.
- (iv) Coordinate Academic Senate activities, through the Office of the Provost, with University-wide Committees, Councils, and Boards.
- (v) Assure that committees of the Academic Senate:
  - (a) Adhere to the principle of mandatory consultation with University administrators affected by committee action.



- (b) Are constituted in a way that reflects the charter of the committee.
  - (c) Receive clear directions concerning their powers and responsibilities along with appropriate deadlines.
  - (d) Report as charged.
  - (e) Conduct appropriate hearings on the topic under discussion.
- c. The Executive Committee shall have the power to establish temporary procedures in cases in which the Constitution provides no guidance, such procedures being subject to approval of the Academic Senate at its next meeting.
- d. The Executive Committee shall have the authority to take all action it deems appropriate for exercising the foregoing powers, such action being subject to approval by the Academic Senate.

ARTICLE VII. Ratification and Amendment

A. Approval and Ratification

This Constitution shall be in effect when approved by a majority of at least a majority of University Faculty voting by written ballot and when ratified by the President of the University and the Board of Trustees. University Faculty voting shall occur only after the Constitution has been discussed at a general University Faculty meeting.

B. Amendment

An amendment shall be in effect when approved by the Academic Senate, by two-thirds of at least a majority of University Faculty voting by written ballot, and when ratified by the President of the University and the Board of Trustees. University Faculty voting shall occur only after the proposed amendment has been discussed at a general University Faculty meeting.

ARTICLE VIII. Enabling Clause

If because of unforeseen and unavoidable circumstances, some provision of this Constitution cannot be met, the Academic Senate may continue to operate pending Constitutional Amendment, contingent upon a two-thirds vote of the members of the Academic Senate, approval of the President of the University, and in the absence of a contrary petition by a majority of the University Faculty.

March 18, 1981